

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CARLOS C. CHARLES,	:	
	:	
Petitioner,	:	
	:	13-CV-7389 (JPO)
-v-	:	
	:	<u>ORDER</u>
WARDEN H.L. HUFFORD,	:	
	:	
Respondent.	:	
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J. PAUL OETKEN, District Judge:

The Court has reviewed Magistrate Judge Pitman’s Report and Recommendation (the “Report”) (Dkt. No. 12) regarding Carlos C. Charles’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

Charles argued in his petition that the Federal Bureau of Prisons miscalculated his sentence by failing to give him credit for eight months during which he was in state custody. In response to the petition, Hufford’s counsel sent a letter to the judge who sentenced Charles, The Honorable Thomas J. McAvoy of the United States District Court for the Northern District of New York. Judge McAvoy confirmed that Charles was entitled to credit for his time spent in state custody. Hufford agreed to recalculate his sentence. Magistrate Judge Pitman sent a letter to Charles suggesting that his petition had become moot and asking if he would still like to press any part of his claim. Charles did not respond. Magistrate Judge Pitman therefore recommended that this Court dismiss the petition *sua sponte* as moot. The Report also informed the parties of the procedure for filing written objections and warned Charles that a failure to file a timely objection to the Report would result in a waiver of Charles’s right to appeal this Court’s judgment.

No party filed a timely objection to the Report; therefore the Court reviews it for clear error. *See* Fed. R. Civ. P. 72(b), Advisory Committee's Notes (1983) ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); *see also Borcsok v. Early*, 299 F. App'x 76, 77 (2d Cir. 2008) ("The District Court then reviewed the magistrate judge's report and recommendation for clear error and, finding none, adopted the report in full."). Magistrate Judge Pitman's well-reasoned Report presents no such errors and is therefore fully adopted by this Court. Accordingly, the petition is dismissed as moot.

The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: September 22, 2014  
New York, New York

  
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J. PAUL OETKEN  
United States District Judge

A copy of this order was mailed to Carlos C. Charles on September 22, 2014, at the following address:

Carlos C. Charles  
P.O. Box 1000  
Otisville, NY 10963